



# ALASKA STATE EMPLOYEES ASSOCIATION

## American Federation of State, County & Municipal Employees Local 52

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PRESS RELEASE  
FOR IMMEDIATE RELEASE  
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### **ASEA/AFSCME Local 52 Applauds Judge Miller's Decision to Grant the Request for a Preliminary Injunction against the State of Alaska in Case No. 3AN-19-09971 CI**

ANCHORAGE – Judge Miller granted Alaska's largest public employees association with a Preliminary Injunction against the State of Alaska over the State's illegal actions to interfere with and change employee contracts. In his decision, Judge Miller wrote:

*The State did not file any new briefing as to the preliminary injunction, and instead just attached and relied upon a copy of its October 1 TRO briefing. Given the State's lack of any new arguments, today this court issued a short order that granted the preliminary injunction for the same reasons this court granted the TRO.*

Executive Director for the Alaska State Employees Association (ASEA), Jake Metcalfe made the following comment:

*Right now, Alaskans are concerned about the economy and their jobs. This governor should be focusing on making sure there are good jobs for Alaskans as well as the services Alaskans need – not frivolous lawsuits and ideological outcomes. The decision today comes as great news for all Alaskans that dedicate their lives to public service in Alaska. Public service is more than a job – it's a calling. Interfering with public employees' rights to have a voice on the job they do is not only a violation of our contracts, contracts the State signed, it is disrespectful to the incredible work and services our members provide every day for all Alaskans across the state.*

The Court also denied the State's request to consolidate complaints, finding "[t]he State, having chosen to file this lawsuit, cannot now unilaterally decide what counterclaims ASEA is entitled to pursue to final judgement."

"The Court again rejected the State of Alaska's arguments, recognizing they are not supported by the facts and the law," Molly Brown, of Dillon & Findley, counsel for ASEA stated.

The next steps in this case include discovery, preparation of a factual record, and a final determination on ASEA's request for a permanent injunction. The State has until November 18 to submit its formal response to ASEA's allegations and third-party complaints.

The Alaska State Employees Association is an affiliate of the American Federation of State, County, and Municipal Employees (AFSCME) which represents over 1.6 million public sector employees and



retirees in the nation. ASEA/AFSCME Local 52 is the largest union of state and municipal public service workers in Alaska with more than 8,000 hardworking public employees. ASEA members safeguard our water, manage our natural resources, clear our roads, inspect our bridges, and plan for the transportation of tomorrow. They protect consumers and promote a healthy economy. They shelter our children and connect Alaska families to vital services. ASEA members perform clerical and administrative functions that effective government requires. Our members fight fires and protect property. They take emergency calls and dispatch public safety officers for people in need. ASEA members care for people from all walks of life to ensure they have the services they need to live with dignity and respect. They work everywhere Alaska needs them and deserve the respect of their employer.

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### Timeline of Case No. 3AN-19-09971 CI

<b>Aug 27</b>	AG Clarkson published his opinion letter misinterpreting the <i>Janus v. AFSCME, Council 31</i> Supreme Court decision
<b>Sep 16</b>	The State of Alaska sued ASEA over its contract with ASEA that had been previously agreed upon by both parties
<b>Sep 25</b>	ASEA Countersued the State of Alaska and asked for a Temporary Restraining Order (TRO) against the State's actions
<b>Sep 26</b>	Governor Dunleavy issued an Administrative Order (AO) that violated the state law and the Collective Bargaining Agreement Contracts the State recently agreed to and signed with ASEA
<b>Sep 27</b>	ASEA filed with the Court a Notice in Support of Motion for a TRO and Preliminary Injunction
<b>Oct 3</b>	Judge Miller granted ASEA's request for a TRO: <i>The State's conduct – including the issuance of its September 26, 2019 administrative order – seems directly at odds with both PERA and the CBA the State signed, in that the State is “interfere[ing] with the formation, existence, or administration of a[] [labor] organization. The State provides no colorable explanation for why the existing dues authorization form's annual opt-out period is not sufficient. Employer-sponsored health insurance plans, for example, typically have a once-a-year opt-in/opt-out period, and absent special circumstances such as marriage or divorce, that once-annual decision is binding. Political elections are once every four years. Most contracts are not revocable at will. The State does not explain why union membership should be any different.</i>
<b>Oct 7</b>	The State of Alaska filed an opposition to ASEA's Motion for a Preliminary Injunction
<b>Oct 17</b>	ASEA filed a motion to convert the TRO into a Preliminary Injunction and asked for the Court to deny the State's request to consolidate ASEA's motion with a trial on the merits. Legal counsel for ASEA, Molly Brown, told the Court: <i>The defendants (the State) raise no new argument and present no new evidence in opposition to ASEA's motion for preliminary injunction. The Court should therefore convert the temporary restraining order into a preliminary injunction.</i>
<b>Nov 5</b>	Judge Miller granted ASEA with a Preliminary Injunction against the State of Alaska and denied the State's Motion for Consolidation.

